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Alaska Native Tribal Health Consortium
Division of Environmental Health and Engineering
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Division of Environmental Health and Engineering

Cooperative Project Agreement

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A Health Facility Improvement Project Between:
The Alaska Native Tribal Health Consortium and
The Village of Pitka's Point, Alaska
Project No. AN 06-GE9
December 2006

**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
VILLAGE OF PITKA'S POINT, ALASKA**

PROJECT NO. AN 06-GE9

To complete this project, ANTHC and the Village of Pitka's Point mutually agree to the terms and conditions contained in this Agreement.

PREPARED BY:

12/20/06
Date

Carey Carpenter
Carey Carpenter, P.E.
Project Engineer
DEHE, ANTHC

RECOMMENDED BY:

12/20/06
Date

Mark Stafford
Mark Stafford, P.E.
Regional Manager
DEHE, ANTHC

APPROVED BY:

12/27/06
Date

V. Davidson for P. Sherry
Paul Sherry
Chief Executive Officer
ANTHC

APPROVED BY:

1/25/07
Date

Ruth J. Riley
President, Village of Pitka's Point,
Alaska

**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
VILLAGE OF PITKA'S POINT, ALASKA**

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**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
VILLAGE OF PITKA'S POINT, ALASKA**

PROJECT NO. AN 06-GE9

DATE OF AGREEMENT:
December 2006

A. INTRODUCTION

Throughout this Cooperative Project Agreement (CPA) the following entities are referred to as follows:

Village of Pitka's Point	=	Village
Alaska Native Tribal Health Consortium	=	ANTHC
Division of Environmental Health and Engineering	=	DEHE
Denali Commission	=	Commission

The ANTHC, DEHE, role is to provide lasting solutions to promote healthy communities.

This CPA contains information about the project scope of work, funding, costs, and administration, and is being performed under the provisions of the following agreements:

- Memorandum of Understanding Between the Denali Commission and the Alaska Native Tribal Health Consortium, dated June 2006. This MOU defines the roles and responsibilities of each party.
- Denali Commission Financial Assistance Award Project No. 252-06, dated September 2006.

B. SCOPE OF PROJECT

This project will design and construct the approximately 1,000-square-foot washeteria portion of a washeteria/water treatment plant. The water treatment plant is being designed and constructed via ANTHC Project No. AN 03-R37.

The washeteria shall comply with the Americans with Disabilities Act and contain the following:

- four washers
- three dryers
- shower facilities
- handicap bath tub
- toilets
- mechanical plant

Project activities include design and planning, professional cost estimation, site preparation, materials and equipment, construction, and labor.

C. PROJECT COST

C 1. Cost Estimate Table

Job Type	Scope of Work	Qty	Units	Unit Cost	Total Cost	Funding Sources	
						Denali FY06	DCED
M-DS	Design washeteria	1	LS	58,084	58,084	58,084	
M-CL	Construct washeteria	1	LS	567,756	567,756	522,756	45,000
Pitka's Point Award					\$625,840	\$580,840	\$45,000
M-GB	ANTHC Support Services Charges				116,160	116,160	
Total Award					\$742,000	\$697,000	\$45,000

C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
<u>Denali Commission</u>	<u>Federal 2006</u>	<u>NA</u>	<u>\$ 697,000</u>
<u>DCED</u>	<u>NA</u>	<u>NA</u>	<u>\$ 45,000</u>
Matching Funds			
<u>Village</u>	<u>NA</u>	<u>NA</u>	<u>\$ 37,500</u>
TOTAL PROJECT FUNDING			<u>\$ 779,500</u>

Denali Commission funding for this health facility improvement project has been made available to ANTHC through a separate Financial Assistance Award (FAA), or amendment or addendum to an existing FAA, between the Denali Commission and ANTHC. It is understood that funding transfers will be made to ANTHC incrementally. Project activities should not proceed until funding for each increment of work is available to ANTHC.

The Commission identified matching funds in Financial Assistance Award Project No. 252-06, dated September 2006. The match is in the non-cash forms of a "reduction in construction costs by provision of staging area and construction labor housing" and as an "estimated value of real estate." By signing this Agreement, the Village agrees these matching funds shall be made available to the project. If such funds are not made available, project activities will be curtailed.

D. PROJECT ADMINISTRATION

In conformance with the Commission's Financial Assistance Award, the following project management methodology is selected by the Village:

Design and construction management shall be accomplished by ANTHC or its Contractor. ANTHC shall take responsibility for all project oversight, technical assistance, and management of the design and construction process. It is anticipated that ANTHC will use one of its indefinite quantity architect and engineering contractors to complete full design services for the provision of the washeteria portion of a washeteria/water treatment plant in Pitka's Point, Alaska. Project construction shall be through ANTHC force account construction method.

Design activities are expected to begin by December 2006 and be finished by June 2007. Construction activities are expected to begin by June 2007 and be finished by June 2008.

This Agreement shall take effect upon signature by all parties and remain in effect until the expiration of the "performance period" specified within the Commission's Financial Assistance Award, or subsequent Amendment(s) or Addendum(s).

E. SUSTAINED OPERATIONS CONSIDERATIONS

The Village will assume ownership and responsibility for operating and maintaining equipment and facilities provided by this project.

F. NATIONAL HISTORIC PRESERVATION ACT REQUIREMENTS

The National Historic Preservation Act (NHPA) provides for cultural resources identification and protection through avoidance or mitigation to avoid unnecessary disturbance of reported or known human burials. NHPA also requires tribes to be consulting parties if archeological discoveries are made during construction.

The Native American Graves Protection and Repatriation Act (NAGPRA) contains stipulations regarding the appropriate treatment and disposition of human burials, funerary, and associated items discovered on Federal lands or Indian Allotments. NAGPRA recognizes the inherent rights and claims of the Native people but often is inapplicable to ANTHC projects. For this reason, as a policy ANTHC recognizes the inherent rights and claims of the tribal entity when human remains and associated items are uncovered through construction projects.

Therefore, if construction for this project results in the discovery of ancient cultural items (i.e., human burials, associated items, and/or archaeological artifacts), ANTHC will ensure that the Native Village of Pitka's Point will be a consulting party. In addition, the following responsibilities are assumed by the project participant in order to comply with NHPA, NAGPRA, and ANTHC policy recognizing inherent rights and claims:

- Identifying any known or reported archaeological site, artifact, or ancient human remains to avoid unnecessary damage to sensitive resources.
- Delaying construction in the vicinity of a discovery until procedures in conformance with 36 CFR 800 are complete.
- Determining appropriate mitigation measures and performing all mitigation in conformance with 36 CFR 800.
- Ensuring an archaeologist, retained or employed by any party to facilitate construction operations, will view and document any and all cultural items discovered during excavation if an adverse effect determination has been made.
- Ensuring that if removal of ancient human remains is necessary, the archaeologist will remove the entire body and that unless the Native Village of Pitka's Point requests further study of the remains, tests upon or photographs of any ancient human remains will not occur unless specific, separate Agreements have been made with the Native Village of Pitka's Point.
- Contacting the Village Public Safety Officer if a modern human burial is discovered to determine if a criminal act can be identified. If the burial is from an archaeological context, the burial will be treated as archaeological remains and need not be treated as a scene of crime.
- Acknowledging that the Native Village of Pitka's Point assumes full responsibility for any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the Native Village of Pitka's Point reserves the inherent right to determine the appropriate disposition of any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the inherent claims or rights of the Native Village of Pitka's Point are not diminished by the fact that the land is under ownership by another party.
- Ensuring that if a discovery is made on Federal lands, Indian Allotment lands, or lands not yet conveyed to the Village or Regional Corporation, parties to facility construction operations shall comply with NAGPRA if appropriate.

- Acknowledging that all other inherent rights and claims regarding any and all cultural items discovered on any lands other than private lands during excavation for or in support of facility construction not expressly covered in these responsibilities are reserved to the Native Village of Pitka's Point alone.

G. AUTHORITY FOR APPROVAL

Upon signing this document, the ANTHC Chief Executive Officer delegates authority to sign all subsequent agreements related to this project to the Director of Regional Facilities Services, DEHE.

H. PROVISIONS FOR PROJECT COMPLETION

The following sections from the ANTHC, DEHE, Cooperative Project Agreement Provisions Manual for Health Facilities Projects (Orange Book), dated June 2003, are incorporated into this Agreement by reference; the manual is electronically available at <http://www.anthc.org/cs/dehe/vilctct/>. For the purposes of this Agreement, all references to "Local Participant" shall mean the Village.

- Section 1, "Provisions for All Cooperative Project Agreements"
- Section 2, "Provisions for ANTHC Management of Local Force Account Labor"
- Section 5, "Insurance and Indemnification Provisions for Force Account Labor Projects Managed by ANTHC or the Local Participant"
- Section 6, "Assurances for All Construction Programs" (Standard Form 424D)

The following federal provisions apply to this project:

- 15 CFR 24, Uniform Admin Requirements for Grants/Cooperative Agreements to State and Local Governments
<www.access.gpo.gov/nara/cfr/waisidx_99/15cfr24_99.html>
(applies to local or tribal government)
- OMB Circular A-87, Cost Principles for State and Local Governments and Indian Tribal Governments <www.whitehouse.gov/OMB/circulars/a087/a087-all.html>
(applies to local or tribal government)
- OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations <www.whitehouse.gov/OMB/circulars/a133/a133.html>
(applies to all Agreements)

- 15 CFR, Part 14, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations <www.access.gpo.gov/nara/cfr/waisidx_99/15cfr14_99.html> (applies to non-profits)
- OMB Circular A-122, Cost Principles for Nonprofit Organizations <www.whitehouse.gov/OMB/circulars/a122/a122.html> (applies to non-profits)

APPENDIX

ANTHC Final Environmental Review Memorandum
Denali Commission Environmental Review Concurrence



ALASKA NATIVE TRIBAL HEALTH CONSORTIUM
Division of Environmental Health and Engineering
1901 Bragaw Street, Suite 200
Anchorage, Alaska 99508

MEMORANDUM

DATE: December 2006

FROM: Environmental Coordinator

SUBJECT: Village of Pitka's Point – Environmental Review
Project No. AN 06-GE9

TO: FOR THE RECORD

An environmental review in accordance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) is required. The Alaska Native Tribal Health Consortium (ANTHC) has considered all potential environmental concerns (specific and cumulative effects) associated with the project in consultation with applicable federal, state, and local authorities. An environmental review was completed in September 2003 with respect to the proposed sanitation facilities under Project No. AN 03-R37. This addition does not change the scope outlined in the original document, and therefore no additional environmental review is necessary at this time.

The original scope was to construct a new water treatment plant/washeteria building in Pitka's Point. The washeteria design and construction was segregated from the water treatment plant design and construction due to funding constraints. The new funding will design and construct the washeteria part of the original scope.

FINDINGS

No further environmental review is necessary. All actions involving construction have been reviewed and no extraordinary or exceptional circumstances were found to exist. The Denali Commission should approve a determination of eligibility for categorical exclusion from the requirement to conduct further environmental evaluation for this project.

The ANTHC will revisit this environmental review to determine if potential environmental concerns have been addressed.


Diana Rigg, AICP



Denali Commission
510 L Street, Suite 410
Anchorage, AK 99501

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March 21, 2007

Matthew Dixon, P.E.
Director Central Engineering Services
Alaska Native Tribal Health Consortium/DEHE
1901 South Bragaw, Suite 200
Anchorage, AK 99508-3440

Re: Environmental Determinations

Dear Mr. Dixon:

This letter is written by the Denali Commission (Commission) to indicate to the Alaska Native Tribal Health Consortium (ANTHC) that the course of action outlined in the environmental memorandum (attached) is appropriate for the following washeteria projects:

Shishmaref	02-G42, Amendment No. 2
Diomedes	02-G41, Amendment No. 1
Hughes	02-G38, Amendment No. 2
Ruby	05-GC9, Amendment No. 1
Kwigillingok	04-GC8, Amendment No. 1
Golovin	02-G36, Amendment No. 1
Goodnews Bay	03-G72, Amendment No. 1
Pitka's Point	06-GE9

Please contact me at 271-1624 or trinner@denali.gov with any questions.

Sincerely,

A handwritten signature in black ink, appearing to be "Tessa L.D. Rinner", written over a horizontal line.

Tessa L.D. Rinner, MPA
Director of Programs

cc: Paul Morrison/Simon Mawson, ANTHC (via email)

File: Chronological
Washeteria Correspondence